

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN RIC HOLDEN**, on March 5, 2001 at 3:00 P.M., in Room 422, Capitol.

ROLL CALL

Members Present:

Sen. Ric Holden, Chairman (R)
Sen. Pete Ekegren, Vice Chairman (R)
Sen. Greg Jergeson (D)
Sen. Walter McNutt (R)
Sen. Arnie Mohl (R)
Sen. Linda Nelson (D)
Sen. Gerald Pease (D)
Sen. Corey Stapleton (R)
Sen. Jon Tester (D)
Sen. Tom Zook (R)

Members Excused: Sen. Mike Halligan (D)

Members Absent: None.

Staff Present: Laramie Cumley, Committee Secretary
Doug Sternberg, Legislative Services

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 114, HB 210 2/19/01
Executive Action: HB 114, HB 210

HEARING ON HB 210

Sponsor: REP. RICK RIPLEY, HD 50, WOLF CREEK

Proponents: Mike Murphy, Montana Water Resources Association
Ed Everardt, Green Fields Irrigation District

Opponents: none

Opening Statement by Sponsor:

REP. RICK RIPLEY, HD 50, WOLF CREEK, stated that this bill was intended to clean up some existing language. This clean-up will give water commissioners more local control and more compensation for their hard work.

Proponents' Testimony:

Mike Murphy stated that he supported the bill because it would establish a rate of compensation that would be set by a water district internally that would fit the individual districts' budget. He also noted that **Jim Foster** of the **Helena Valley Irrigation District, Flathead Irrigation District**, and **John Youngberg** support the bill.

Ed Everardt expressed support for the bill because if the rates were allowed to increase for water districts, the quality of the water commissioner would increase and this would make up for the cost of living.

Opponents' Testimony: none

Questions from Committee Members and Responses:

SEN. LINDA NELSON asked if irrigators pay a fee and what the fee was. **Mike Murphy** stated that the fees vary throughout the state.

SEN. ARNIE MOHL questioned the purpose of the fiscal note and the bill if there was no impact indicated and asked who was going to pay for the increase discussed. **REP. RIPLEY** stated that the local irrigation board collects the fees and they would be covering this increase, therefore, this would come from local dollars not the states general fund. He also said that the local people can decide what to pay the board members.

SEN. NELSON asked if the board members vote on the discussed increase, or if the commission voted on their own pay increases. **REP. RIPLEY** stated that yes, they would vote on their own pay increases but, they would need to answer to the locals.

SEN. NELSON asked how often these water boards meet. **Mike Murphy** stated that this also varies and that some boards meet monthly.

SEN. PETE EKEGREN asked **Mr. Everardt** how often his board meets. **Ed Everardt** noted that they meet about 15-17 times per year.

Closing by Sponsor:

REP. RICK RIPLEY closed HB 210 by stating that it was intended for local control and that it does not mean that anything will increase, only that an increase may be approved by the districts water board if the budget will allow it.

HEARING ON HB 114

Sponsor: REP. ROBERT STORY, HD 24, PARK CITY

Proponents: Jack Stults, Montana Department of Natural Resources and Conservation
Mike Murphy, Montana Water Resources Association

Opponents: none

Opening Statement by Sponsor:

REP. ROBERT STORY, HD 24, PARK CITY stated that the intent of this bill was to clean-up existing language addressing the definition of a developed stream and misunderstandings regarding easements. He said that it also would allow the clerk of court to not be responsible for Water Right forms and this responsibility would be presented to the Department of Natural Resources and Conservation who presently distribute and processes the forms.

Proponents' Testimony:

Jack Stults supported HB 114 because it would clarify the language in existing law.

Mike Murphy expressed his support for the bill for the discussed reasons and also noted **John Youngberg, Montana Farmers Union** as being in support of the bill.

Opponents' Testimony: none

Questions from Committee Members and Responses:

SEN. RIC HOLDEN asked for an example of going onto someone's property to appropriate and divert water. **Jack Shults** stated that in some cases, in the past, people may not have had access to water unless it was diverted and carried elsewhere and the proper easements were required to cross someone else's property. He explained that this process was made more clear by simply giving the landowner prior notice. He also stated that some

attorneys are saying that this notice would constitute the establishment of an easement, which **Mr. Shults** noted is not true.

SEN. HOLDEN then clarified the easement is being negotiated with the landowner.

SEN. GREG JERGESON clarified water rights pertaining to the differences between surface water and ground water rights. **SEN. JERGESON** also questioned if a landowner could refuse to give you an easement without a beneficial use. **Jack Shults** answered, "yes".

Closing by Sponsor:

REP. STORY closed HB 114.

EXECUTIVE ACTION ON HB 114

Motion/Vote: **SEN. ZOOK** moved that **HB 114 BE CONCURRED IN**. Motion carried unanimously.

SEN. HOLDEN noted that he would carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 210

Motion: **SEN. JERGESON** moved that **HB 210 BE CONCURRED IN**.

Discussion:

SEN. ARNIE MOHL expressed concern with the fiscal note on the bill.

SEN. JERGESON suggested that language be changed to make a mandatory requirement for the irrigation districts to deal with this in their own budget.

SEN. LINDA NELSON commented that these numbers were jumping too high and asked if that was reasonable.

SEN. TOM ZOOK stated that to those people who live in irrigation districts the discussed position is very important and the salary will come from these taxpayers dollars, not general taxpayers.

SEN. WALT MCNUTT explained the board members long, hard hours on the job and the diversity of the many irrigation districts in the state and the reasons why the boards should be able to set their own rate of pay.

SEN. HOLDEN suggested a revised fiscal note from DNRC and the Committee concluded a new fiscal note was not needed.

Vote: Motion **carried unanimously.**

SEN. JERGESON noted that he would carry HB 210 on the Senate floor.

ADJOURNMENT

Adjournment: 4:00 P.M.

SEN. RIC HOLDEN, Chairman

LARAMIE CUMLEY, Secretary

RH/LC

EXHIBIT (ags50aad)